

PRESENTING THE ART OF SUBROGATION



Your House Counsel[®]

The One To Turn To.

WHAT IS SUBROGATION?

In the context of insurance, subrogation is the legal or equitable principle by which a carrier “steps into the shoes” of its insured after having made payment on a claim.

The art of subrogation is an opportunity for a carrier to recover money paid under its policy and allow the ultimate burden of a loss to be borne by the responsible party. Subrogation is not an economical or viable pursuit on all losses. However, with prompt and thorough investigation and awareness of both legal and practical roadblocks to recovery, the effort can be performed economically while adding significant amounts of money back to the bottom line of the company.

To attain these efficiencies and to posture a loss appropriately, the art of subrogation requires experience and, at times, true creativity.



THE MANY FORMS OF SUBROGATION

Subrogation can involve a loss relating to:

Commercial Property	Marine or Inland Marine
Residential Property	Workers Compensation
Machinery and Equipment	Cyber-Liability and Data Privacy
Automobile	Products Liability
Fidelity	Health Insurance
Cargo	And more.

EARLY ASSESSMENT IS CRITICAL

As much as each type of coverage has its nuances, subrogation in each of these categories brings with it vastly different investigation processes and potential recovery pitfalls. By having experienced subrogation professionals on hand to conduct early investigations into recovery potential, you can quickly monetize the “low hanging fruit” as well as help to weed out those losses that do not justify further time or investment. The early assessment then allows efforts to be properly focused where the potential for recovery exists, but where the issues or amount in controversy might not lend themselves to quick recovery. Those files require additional skill and development to get across the “finish line.”



THEORIES OF RECOVERY

The process begins with identifying what happened and looking for potential theories of recovery under the circumstances. These opportunities could be afforded under theories including:

Breach of Contract	Products Liability
Warranty of Damages	Spread and Exacerbation
Workmanship Issues (design and construction defects)	Obscure State and Federal Statutes

THE PITFALLS TO AVOID

With every potential theory there are also various pitfalls that must be navigated as they can differ slightly, or significantly, from one jurisdiction to another, including:

Made Whole Doctrine

Economic Loss Doctrine

Statute of Limitations

Spoliation

Statute of Repose

Waivers of Subrogation

The state specific application of these issues can be carefully navigated in some states with experienced handling, but could completely gut the viability of a recovery in others.

YHC MEMBER FIRMS ARE THE ONES TO TURN TO

Because Your House Counsel® is a consortium of law firms located around the country, it is ideally poised to assist carriers of all sizes and with differing in-house capabilities or departments and different product lines, all to streamline their subrogation efforts across the board.

By not only having an attorney aware of state specific laws or rules which may impact recovery potential, Your House Counsel® Member Firms are truly local and understand local prejudice and nuances that may not be appreciated or accounted for in national programs.

Because you'll have local representation for your subrogation needs, the identification and application of applicable state and federal law, the identification of respected and qualified experts, and the early, prompt investigation and information gathering can be handled for you or alongside your day-to-day claims processes. The subrogation specialists in Your House Counsel® Member Firms can focus on the investigation and preservation of those rights, avoiding the loss of critical evidence through the passage of time, and securing local cooperation where necessary.

In this way, the Art of Subrogation can become a huge profit generator for your company.



**EACH YOUR HOUSE COUNSEL®
MEMBER FIRM IS THE ONE TO TURN TO.
HERE'S WHY.**



With 40,000 potential firms for a client to select from, the task of choosing one can be daunting. Or it can be relatively quick and trouble-free — because Your House Counsel® conducts extensive due diligence coupled with a very stringent vetting process, to assure you that each of our Members is highly qualified.

But there are more reasons why each Your House Counsel® Member Firm is The One To Turn To.

- **We offer preferred fee arrangements** that keep everyone's interests aligned, including tiered contingency fee structures based on claims values — no matter which Member Firm you turn to, you'll get our best rates.
- **You'll be represented by a neighbor, not a stranger** — our Members know the nuances of their jurisdictions.
- **Finding a local law firm with proven experience will take minutes, not days or weeks** — just visit YourHouseCounsel.com.
- **We're right where you need us** — we're adding highly qualified Member Firms in jurisdictions across the country.



How do you find
the right law firm to handle your subrogation needs?
Your House Counsel® is how.

SUBROGATION PRACTICE GROUP CHAIRS



Randall J. Poelma
rpoelma@ds-lawyers.com
Doyen Sebesta & Poelma
ds-lawyers.com



Alan J. Yacoubian
ajy@jyplawfirm.com
Johnson, Yacoubian & Paysse
jyplawfirm.com

At a minimum, maximizing subrogation recovery requires engaging a law firm that's not only versed in the complexities, pitfalls and benefits of subrogation, but is also steeped in the local nuances of the jurisdiction where your particular subrogation issue resides. All of which could well describe the Member Firms of Your House Counsel®.

Every Your House Counsel® Member Firm has passed our stringent vetting process, saving you from hours or days of due diligence. So all you need to do is visit YourHouseCounsel.com to benefit from a fast, private, and rewarding way to find the candidate firm for your subrogation needs, review their credentials, and contact them directly.

So when you need a law firm with substantial subrogation experience, a very good way to start is by visiting YourHouseCounsel.com to learn more about our Member Firms.

The National Consortium of Highly Qualified
Insurance and Corporate Liability Defense Law Firms



Your House Counsel®

The One To Turn To.

For more information, visit YourHouseCounsel.com
or contact Howard S. Shafer, Esq. 212-942-4200 HShafer@YourHouseCounsel.com